

104TH CONGRESS
1ST SESSION

H. R. 307

To modify certain regulatory requirements of the Environmental Protection Agency regarding motor vehicle inspection and maintenance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. KLINK introduced the following bill; which was referred to the Committee on Commerce

A BILL

To modify certain regulatory requirements of the Environmental Protection Agency regarding motor vehicle inspection and maintenance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Air Flexibility
5 Act of 1995”.

6 **SEC. 2. REVIEW AND REPUBLICATION OF EPA GUIDANCE.**

7 Within 12 months after the date of the enactment
8 of this Act, the Administrator of the Environmental Pro-
9 tection Agency shall review, revise, update, and republish

1 in the Federal Register the guidance for the States for
2 motor vehicle inspection and maintenance programs re-
3 quired by the Clean Air Act, taking into consideration the
4 Administrator's investigations and audits of such pro-
5 grams. The guidance shall, at a minimum, provide a cost-
6 effective analysis of motor vehicle inspection and mainte-
7 nance programs, cover the frequency of inspections, the
8 types of vehicles to be inspected (which shall include leased
9 vehicles that are registered in the nonattainment area),
10 vehicle maintenance by owners and operators, audits by
11 the State, the test method and measures, including wheth-
12 er centralized or decentralized, inspection methods and
13 procedures, quality of inspection, components covered, as-
14 surance that a vehicle subject to a recall notice from a
15 manufacturer has complied with that notice, and effective
16 implementation and enforcement, including ensuring that
17 any retesting of a vehicle after a failure shall include proof
18 of corrective action and providing for denial of vehicle reg-
19 istration in the case of tampering or misfueling. The guid-
20 ance which may be incorporated in the applicable State
21 implementation plans by the States shall provide the
22 States with continued reasonable flexibility to fashion ef-
23 fective, reasonable, and fair programs for the affected
24 consumer. No later than 2 years after the Administrator
25 promulgates regulations under section 202(m)(3) of the

1 Clean Air Act (relating to emission control diagnostics),
2 the State shall submit a revision to such program to meet
3 any requirements that the Administrator may prescribe
4 under that section.

5 **SEC. 3. TIMING FOR STATES.**

6 The Environmental Protection Agency rule published
7 on November 5, 1992 (57 Fed. Reg. 52950) shall cease
8 to have any force and effect after the enactment of this
9 Act. Notwithstanding any other provision of law or regula-
10 tion, each State with an applicable implementation plan
11 under the Clean Air Act that contains provisions for an
12 enhanced motor vehicle inspection and maintenance pro-
13 gram may, within one year from the publication of the
14 guidance described in section 1, submit, revise, alter or
15 amend such applicable implementation plan. In the in-
16 terim, each such State shall incorporate each of the spe-
17 cific elements set forth in clauses (i), (ii), (iii), (iv), (v),
18 and (vii) of subparagraph (C) of section 182(c)(3) of that
19 Act as expeditiously as possible.

20 **SEC. 4. CONFORMING AMENDMENTS.**

21 Section 182(c)(3) of the Clean Air Act is amended
22 as follows:

23 (1) In subparagraph (B) by striking “shall
24 comply” and inserting “may comply”.

- 1 (2) In subparagraph (C) by striking “shall in-
- 2 clude” and inserting “may include”.

